



MINUTES
CITY COUNCIL MEETING
Monday, July 08, 2024 at 6:30 PM

- I. **CALL TO ORDER:** Pledge to the Flag was led by Mayor Bearrows. Prayer was said by City Clerk Rose Huéramo.
- II. **ROLL CALL:** Motion made by Councilor Shaw-Dickey, Seconded by Councilor D. McDermott, **"I move Councilwoman Arteaga to be able to participate remotely due to a work conflict."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 5-0. Present were Councilors T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor John Bearrows. Absent: Councilor Hayes. A quorum of six were present. Also, present City Manager Jeff Fiegenschuh, City Clerk Rose Huéramo, Deputy Clerk Rosie Belmonte, and City Attorney Dominick Lanzito.
- III. **PROCLAMATIONS, COMMENDATIONS, ETC:** None.
- IV. **REPORTS AND COMMUNICATIONS:**
1. Mayor's Report: Thanked all who helped with the 4th of July Celebration.
 2. Council Members: None.
 3. Swearing-In Ceremony – Sergeant Aaron Rodabaugh
- V. **PUBLIC COMMENTARY:** None.
- VI. **BUSINESS ITEMS:**
1. **CONSENT AGENDA ITEMS BY OMNIUS VOTE with Recommendations:**
 - a) Approve City Council Meeting Minutes - 6/24/2024
 - b) Approve Payroll - 6/10/2024 - 6/23/2024
 - c) Approve Payment Registers - #211776-211853, #211868 - 211967
 - d) Approve Special Request - RV Parking at 427 N. 2nd St. for 3-4 months
 - e) Approve Special Event Request - Fashion Nails' Grand OpeningMotion made by Councilor T. McDermott, Seconded by Councilor Shaw-Dickey, **"I move consent agenda items (a) through (e), with the exception item (d) to be approved by Omnibus vote as recommended."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.
 2. **Audit for January 1, 2023 – December 31, 2023.** Sikich, LLP. planned and performed the audit in order to obtain reasonable assurance about whether the financial statements are free of material misstatements. This included performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The audit also included evaluating the appropriateness of accounting policies used, significant estimates made by management, and evaluating the overall presentation of the financial statements. The auditor's opinion, as noted on page 2 of the Annual Comprehensive Financial Report, indicates that the financial statements "present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Rochelle, Illinois, as of December 31, 2023, and the respective changes in financial position and, where applicable cash flows thereof for the year ended in conformity with accounting principles generally accepted in the United States of America ." Director Chris Cardott and Lindsey Fish, Principal of Government Services for Sikich, attended the meeting, providing an overview of the City's Financial Statement. Motion made by Councilor D. McDermott, Seconded by Councilor Valdivieso, **"I move the Council accept and place on file the audit reports January 1, 2023 - December 31, 2023, as prepared and presented by Sikich, LLP."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.

3. **An Ordinance Amending Chapter 2, Article I, Section 2, Relating to Remote Attendance.** On May 27, 2008, Ordinance 08-3682, as Chapter 2, Article I, Section 2 of the Rochelle Municipal Code. The proposed amendment aims to align our local ordinance with current statutory provisions, allowing for remote attendance when a member has an unexpected childcare obligation. The revised ordinance will enhance flexibility and ensure City officials can fulfill their duties without compromising family responsibilities. This rule applies to all official council meetings, including regular, special, and committee meetings. 5 ILCS 120/7 is a section of the Illinois Open Meetings Act that addresses attendance at public meetings by means other than physical presence. Here are the key points of subsections (a) and (c): 5 ILCS 120/7(a) This subsection allows a member of a public body to attend a meeting by video or audio conference if a quorum is physically present, and the member is unable to attend due to: Personal illness or disability, Employment purposes or the business of the public body, A family or other emergency, Unexpected childcare obligations A majority of the public body must approve this remote attendance. Councilmembers wishing to attend a meeting electronically must notify the City Clerk and/or the City Manager at least 24 hours in advance. The notification should include the reason for remote attendance. Councilmembers attending remotely must ensure access to the required technology and a stable connection to participate effectively. Councilmembers attending remotely will be counted towards the quorum and will have the same participation rights as those physically present. The City Clerk will document the names of Councilmembers attending remotely and the reasons for their remote attendance in the meeting minutes. Meetings conducted with remote participation will continue to comply with all other applicable Open Meetings Act requirements to maintain transparency and public access. City Clerk, Rose Huéramo was available for questions. Motion made by Councilor Valdivieso, Seconded by Councilor T. McDermott, **"I move Ordinance 24-5487, an Ordinance Amending Chapter 2, Article I, Section 2, Relating to Remote Attendance, be approved."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.
4. **An Ordinance Adopting a Retention and Disposal of Public Records.** The retention policy for public records complies with the Illinois Local Records Act, 50 ILCS 205/1 et seq. ("Act"), and the regulations prescribed in the Illinois Administrative Code at 44 Ill. Admin. Code Ch. I, Secs. 4000.1 - 4000.70 ("Regulations"). This policy aims to ensure that all public records are retained and disposed of in a manner consistent with state law, preserving important records while facilitating the timely disposal of records no longer needed. City Clerk, Rose Huéramo was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Valdivieso, **"I move Ordinance 24-5488, an Ordinance Adopting a Records Retention Policy, be approved."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.
5. **A Resolution Accepting a Bid Proposal for Seal Coating Various Streets with MFT Sec #24-00000-00-GM from Helm Civil, Inc., and Authorizing the Purchase of Related Materials Not to Exceed \$58,000.** Various streets and/or alleys were identified to receive a seal coat (A1 & A2) surface treatment this fiscal year (FY) to provide for much needed roadway maintenance and preservation. The areas are shown on the attached exhibit A. Additional areas may be considered by the City Engineer during the construction process as funds allow. The above referenced project was advertised in the Illinois Dept. of Transportation (IDOT) Notice to Contractor's Bulletin 24-23 as well as the Rochelle Newsleader. Bids were publicly opened and read aloud on June 11, 2024, at 10 am for the above referenced project. One bid was received as follows: Helm Civil, Inc. submitted a bid for making the entire improvements in the amount of \$314,320.00. The lowest bid is approximately 5% lower than the Engineers estimate of cost. The various streets general maintenance project is funded with Motor Fuel Tax (MFT) funds administered through IDOT. A transfer from the CY 2024 MFT fund 17-00 will be made to the CY 2024 CIP fund 36-00-86088/091 to cover the Local Agency (LA) costs associated with the General Maintenance project of various streets with

Sec#24-00000-00-GM. The City Street Department crews will provide HMA pavement patching, edge repair and thin overlays, surface preparation and sweeping in advance of seal coat operations. HMA materials cost for the Street Dept. will be paid for from the CIP general maintenance other street/alley improvements fund. City council approval of resolution (BLR 14220) will allow the City to move forward with providing funding associated with engineering, maintenance and/or construction on the referenced project from the MFT fund. Enclosure (1) uses the standard IDOT resolution to document the requested expenditure. City Engineer, Sam Tesreau was available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Resolution R24-42, a Resolution Accepting a Bid Proposal for Seal Coating Various Streets with MFT Sec #24-00000-00-GM from Helm Civil, Inc., and Authorizing the Purchase of Related Materials Not to Exceed \$58,000, be approved."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.

6. **A Resolution Rejecting All Bids for the 2024 Flagg Road and 20th Street Intersection RMU Utility Adjustments and Relocation Improvement Project.** Ogle County and the City of Rochelle entered into an intergovernmental agreement to begin Engineering design and eventual reconstruction of the Flagg Rd and 20th Street greater intersection improvements in 2023. During the ongoing Engineering design phase in late 2023, it was determined the intersection geometric footprint would need to be much larger to accommodate the new expanded transportation and pedestrian improvements. Several utilities, including RMU overhead electric and fiber utilities installed over 17 years ago, will need to be relocated as part of said project before any construction can begin on the intersection project. Willett Hoffman and Associates (WHA), who is providing Engineering services for the City of Rochelle and Ogle County on the Flagg Rd and 20th Street intersection and roadway reconstruction project, began separate utility relocation plans for the Supt. of RMU Electric Operations in March 2024. Subsequently the project was let for bid in May 2024. Since that time the County Engineer has also issued a permit for relocation of the RMU utilities in the Flagg Road right of way. The above referenced project was advertised in the Rochelle News leader and on the City's website. Bids were publicly opened and read aloud on May 30, 2024, for the above referenced project. Four bids were received as follows:

- Helm Electric Facility Solutions, Inc. submitted a bid for making the entire improvements in the amount of \$267,437.84.
- Utility Dynamics Corp. submitted a bid for making the entire improvements in the amount of \$528,155.00.
- William Charles Electric submitted a bid for making the entire improvements in the amount of \$592,505.50.
- Western Utility LLC submitted a bid for making the entire improvements in the amount of \$819,694.00.

The lowest bid received by Helm Electric Facility Solutions; Inc. is approximately 33% lower than the Willett Hoffman Associates Engineers estimate of cost. However, on June 10th Scott McGinn, from Helm Electric, issued a letter to RMU consulting Engineer WHA that they were withdrawing their bid due to mathematical errors with bid line items. The City Engineer responded to Mr. McGinn's letter and indicated that the City would reserve it's right to draw upon their submitted bid bond to pay any expenses associated with rebidding of the project due to the errors and ultimate withdraw of the bid. The next lowest bidder is over 40% higher than the WHA Engineer's estimate of cost. After discussion with the City Manager and Supt. of Electric Operations, given the withdrawal of the lowest bid, significant difference in bids received and the excessive cost difference over the Engineer's estimate of cost, it is recommended that all bids be rejected, and that the project be rebid at a future date. The original completion date for the RMU utility adjustments was early September but will be extended to later in 2024. City Engineer, Sam Tesreau was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Valdivieso, **"I move Resolution R24-43, a Resolution Rejecting all Bids for the 2024 Flagg Road and 20th Street Intersection RMU Utility Adjustments and Relocation Improvement Project, be approved."**

Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.

7. **Bid proposals for the project known as Creston/Caron Rd (FAU 5447) from Caron Rd to I-39 and north to 7th Ave with Sec No. 20-00116-00-RS (Contract 85760).** City Council approved a Joint Funding agreement with IDOT on 5/13/2024 for the Creston Road and Caron Rd pavement rehabilitation project. As part of said agreement Section IV (6.2) "the State of Illinois will receive bids for construction of the proposed improvement...and to award a contract for construction of the proposed improvement after receipt of a satisfactory bid" subject to the concurrence of the Local Agency (City of Rochelle) The above referenced project was advertised by the Illinois Dept. of Transportation (IDOT) in the Notice to Contractor's Bulletin 24-20 Vol. 027, No. 019 and on website. Bids were submitted and publicly opened and read aloud on June 14, 2024, by IDOT officials in Region 4 District 6, for the above referenced project. Four separate bids were submitted as follows:

- Civil Constructors, Inc. dba Helm Civil submitted a bid for making the entire improvements in the amount of \$1,545,544.39
- Rock Road Companies, Inc. submitted a bid for making the entire improvements in the amount of \$1,566,086.28.
- Martin and Company Excavating submitted a bid for making the entire improvements in the amount of \$1,619,108.14.
- Curran Contracting Company submitted a bid for making the entire improvements in the amount of \$1,722,837.41.

The lowest bid is approximately 4% lower than the Engineers estimate of cost. The project is being funded with approximately \$1.3M in Federal STU and COVID Relief grant funds as well as available City Motor Fuel Tax (MFT) funds administered through IDOT. The division of cost is more accurately defined in Schedule #1 of the Federal participation agreement as approved by Council on 5/13/2024. The project is over 2 miles in length, primarily consisting of significant HMA base and surface removal and replacement along with new HMA shoulders and will extend along Creston Road from the I-39 overpass to Caron Road and north along Caron Rd to the 7th Ave intersection. The project is expected to begin in August and be substantially complete by the end of October 2024. City Engineer, Sam Tesreau was available for questions. Motion made by Councilor Valdivieso, Seconded by Councilor T. McDermott, **"I move Council accept and place on file Bid Proposals for Project known as Creston/Caron Rd (FAU 5447) from Caron Rd to I-39 and North to 7th Ave with Sec No. 20-00116-00-RS (Contract 85760)."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.

VII. DISCUSSION ITEMS: None.

- VIII. EXECUTIVE SESSION:** At 7:06 P.M. Motion made by Councilor Shaw-Dickey, Seconded by Councilor T. McDermott, **"I move the Council recess into executive session to discuss setting of a price for sale or lease of property owned by the City, Section (c) (6), pending or imminent litigation, section (c) (11) and the appointment, employment, compensation, discipline, performance and/or dismissal) of specific employee(s) section (c) (1)."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0. At 7:55 P.M. Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move the Council return to open session."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 6-0.

- IX. ADJOURNMENT:** At 7:56 P.M. Motion made by Councilor D. McDermott, Seconded by Councilor Valdivieso, **"I move the Council adjourn."** Voting Yea: T. McDermott, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso and Mayor Bearrows. Nays: None. Motion passed 6-0.

John Bearrows, Mayor

Rose Huéramo, City Clerk